REFERENCE COPY

FILE: JHCD
Basic

EXPLANATION: ADMINISTRATION OF MEDICATIONS TO STUDENTS

House Bill 1188 (2012), § 167.635, RSMo., authorizes districts to maintain a supply of asthma-related rescue medications that can be administered to any student by a school nurse or other employee trained and supervised by the school nurse when the student is having a life-threatening asthma episode.

The statute specifies that:

> **2. To obtain asthma rescue medications for a school district, a prescription written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such prescriptions, the school district shall be designated as the patient, the nurse's name shall be required, and the prescription shall be filled at a licensed pharmacy.**

According to the statute, qualified employees will be held harmless and immune from civil liability for administering asthma-related rescue medications in good faith and according to standard medical practice.

Districts that do not intend to maintain emergency asthma medications should remove this language from the "Emergency Medications" section of this policy.

MSBA has also modified the possession and self-administration of medications language for clarity and simplicity.

ATTORNEY COMMENTS:

The district has asked to delete some language under "Possession and Self-Administration of Medications." Once the language is deleted, the resulting policy will require all families to comply with the following state law requirements:

1. **The medication was prescribed or ordered by the student's physician.**

2. **The physician has provided a written treatment plan for the condition for which the medication was prescribed or authorized that includes a certification that the student is capable of and has been instructed in the correct and responsible use of the medication and has demonstrated to the physician or the physician's designee the skill level necessary to use the medication.**

3. **The student has demonstrated proper self-administration technique to the school nurse.**

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4. The student's parent/guardian has signed a statement authorizing self-administration and acknowledging that the district and its employees or agents will incur no liability as a result of any injury arising from the self-administration of such medication unless such injury is a result of negligence on the part of the district or its employees or agents.

I sincerely hope that districts may require parents and the student to abide by these conditions prior to giving the student permission to carry and self-administer medications. However, I and many other attorneys are concerned that if a student has a legal disability and is therefore entitled to accommodations under Section 504 and IDEA that the district cannot tack on these additional requirements. So, for example, if a parent of a student with a disability refuses to sign a waiver of liability, I am not sure the district can prohibit the student from self-administering medication if that is a reasonable accommodation under federal law. This is why MSBA's standard policy separates out "Students with IEPs or section 504 Plans."

The district may want to contact its private attorney to obtain his or her opinion on the matter. Until the issue is addressed in court, we will not be certain. I am not opposed to the district's changes, but the district needs to be aware of the risk.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
X	Health Services		Counselor	X	Special Education
	Transportation		Public Info/Communications		Technology

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ADMINISTRATION OF MEDICATIONS TO STUDENTS

Definitions

Medications – For the purposes of this policy, medications include prescription drugs and over-the-counter drugs, including herbal preparations and vitamins. Medications also include substances that claim or purport to be medicinal or performance enhancing.

Authorized Prescriber – Includes a healthcare provider licensed or otherwise authorized by state law to prescribe medication.

Schedule II Drugs – Drugs which, according to the Controlled Substances Act of 1970, have a high potential for abuse, have a currently accepted medical use in treatment in the U.S. or accepted medical use with severe restrictions, and when abused may lead to severe psychological or physical dependence.

General

The Columbia School District is not legally obligated to administer medication to students unless specifically included in a Section 504 plan or an individualized education program (IEP). However, the Board recognizes that some students may require medication for chronic or short-term illnesses to enable them to remain in school and participate in the district's educational services. ~~Further, t~~The district prohibits students from possessing or self-administering medications while on district grounds, on district transportation or during district activities unless explicitly authorized in accordance with this policy. T~~herefore, t~~he superintendent, in collaboration with the district nursing staff, will establish administrative procedures for storing and administering medications in compliance with this policy and pursuant to state and federal law. Medications will only be administered at school when it is not possible or ~~not~~ effective for the student to receive the medication at home. Medication administration policies and procedures will be posted online and distributed to parents/guardians yearly in the student handbooks.

The administration of medications is a nursing activity that must be performed by or under the supervision of a registered professional nurse as directed in the Columbia Public Schools Health Services Policy and Procedure Manual. A registered professional nurse may delegate the administration of medication to a licensed practical nurse or unlicensed personnel who are trained by the nurse to administer medications. The registered professional nurse is responsible for developing written procedures for training unlicensed personnel in the administration of medications and for supervising the administration of medication by others. In accordance with law, any trained or qualified employee will be held harmless and immune from civil liability for administering medication in good faith and according to standard medical practices. A qualified employee is one who has been trained to administer medication according to standard medical practices.

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The nurse or designee must maintain thorough documentation of all medications administered to students.

Nurses must use reasonable and prudent judgment to determine whether ~~or not~~ to administer particular medications to students while also working in collaboration with parents/guardians and the school administration. Nurses will, when necessary, clarify authorized prescriber orders and respond in accordance with such clarifications.

The district shall not knowingly administer medications in an amount exceeding the recommended daily dosage listed in the *Physician's Desk Reference (PDR)* or other recognized medical or pharmaceutical text. Except for the emergency use of a prefilled epinephrine auto syringe or asthma-related rescue medication, the district will not administer the first dose of any medication. Parents/Guardians are encouraged to arrange to administer prescription medications themselves.

Students shall not possess or self-administer Schedule II drugs on district grounds, while on district transportation, or during district activities. Parents/Guardians must bring these medications to the school office or health room for administration by the nurse or other trained district personnel.

Possession and Self-Administration of Medications

The district will permit a student to possess and self-administer medications in accordance with an IEP or Section 504 plan or in accordance with state law allowing students to possess and self-administer medications for the treatment of asthma, anaphylaxis and other chronic health conditions. However, permission to possess and self-administer medications may be revisited if there is evidence that the student is not handling or administering the medication appropriately or that the student's actions may be harming his or her own health or the health and safety of other persons.

Students with IEPs or Section 504 Plans

Students may possess and self-administer medications in accordance with the student's IEP or Section 504 plan.

Self-Administered Medications***Students with Chronic Health Conditions***

~~An authorized prescriber or a student's IEP or Section 504 team may recommend that an individual student with a chronic health condition assume responsibility for his or her own medication as part of learning self-care. The district will allow students to self-administer medication for the treatment of a chronic health condition including, but not limited to,~~Students may possess and self-administer ~~medications for the treatment of~~ asthma~~, and anaphylaxis, and other chronic health conditions~~ ~~in accordance with this policy and law. The district will permit the self-administration of other~~

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~~medications as required by the student's Section 504 plan or IEP.~~ The district will not ~~allow any~~permit students to possess and self-administer medications unless:

1. The medication was prescribed or ordered by the student's physician.

2. The physician has provided a written treatment plan for the condition for which the medication was prescribed or authorized that includes a certification that the student is capable of and has been instructed in the correct and responsible use of the medication and has demonstrated to the physician or the physician's designee the skill level necessary to use the medication.

3. The student has demonstrated proper self-administration technique to the school nurse.

4. The student's parents/guardian ~~have~~has signed a statement authorizing self-administration and acknowledging that the district and its employees or agents will incur no liability as a result of any injury arising from the self-administration of such medication unless such injury is a result of negligence on the part of the district or its employees or agents.

~~**Possession of Self-Administered Medications**~~

~~An authorized prescriber may recommend that an individual student with a chronic health condition be allowed to be in possession of his or her medication on district property for the purposes of self-administration. The district will permit possession of medication for the treatment of a chronic health condition including, but not limited to, asthma or anaphylaxis, on district property, at district-sponsored activities and in transit to and from school or activities in accordance with law. The district will also permit the possession of other medications for the purposes of self-administration as required by the student's Section 504 plan or IEP. The district may otherwise permit the possession of medications for self-administration in accordance with law. No student will be permitted to possess any medication unless the parent/guardian has submitted all required authorizations and releases in accordance with this policy.~~

Emergency Medications

All student-occupied buildings in this district are equipped with prefilled epinephrine auto syringes ~~that can be administered by the~~and asthma-related rescue medications. The school nurse or another ~~school~~ employee trained and supervised by the school nurse may administer these medications when they ~~nurse or trained employee~~ believes, based on ~~his or her~~ training, that a student is having a life-threatening anaphylactic reaction or life-threatening asthma episode. ~~In accordance with law, qualified employees will be held harmless and immune from civil liability for administering epinephrine in good faith and according to standard medical practice.~~

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Epinephrine and asthma-related rescue medications will only be administered in accordance with written protocols provided by an authorized prescriber. The Board will purchase an adequate number of prefilled epinephrine auto syringes and asthma-related rescue medications based on the recommendation of the school nurse, who will be responsible for maintaining ~~an~~ adequate ~~supply~~supplies. The school principal or designee will maintain a list of students who cannot, according to their parents/guardians, receive epinephrine and asthma-related rescue medications. A current copy of the list will be kept with the devices at all times.

Consequences

Students who possess or consume medications in violation of this policy while on district grounds, on district transportation or during a district activity may be disciplined up to and including suspension or expulsion. Employees who violate this policy may be disciplined up to and including termination. District administrators will notify law enforcement when they believe a crime has occurred.

* * * * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/14/1996

Revised: 02/12/2001; 12/10/2007; 12/12/2011;

Cross Refs: EBB, Communicable Diseases
EBBA, Illness and Injury Response and Prevention

Legal Refs: §§ 167.621 - .63~~0~~5, 335.016, .066, 338.059, 577.625, .628, RSMo.
Davis v. Francis Howell Sch. Dist., 138 F.3d 754 (8th Cir. 1998)
DeBord v. Board of Educ. of Ferguson-Florissant Sch. Dist., 126 F.3d 1102 (8th Cir. 1997)

Columbia School District No. 93, Columbia, Missouri

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